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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,261	08/01/2003	Allan R. Mosher	MOSH-007	4779
7590	01/16/2004		EXAMINER	
Michael S. Neustel Suite No. 4 2534 South University Drive Fargo, ND 58103			BUCKLEY, DENISE J	
			ART UNIT	PAPER NUMBER
				3641

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/633,261	MOSHER, ALLAN R.
	Examiner	Art Unit
	Ms . Buckley	3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 112***

1. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "sandbag positioned beneath a rear portion of said firearm" is inaccurate if not incorrect. Claim 14 has the inflatable support bag in the rear portion. It is not clear how both are in the rear portion.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,3,14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by German patent Schubler (DE 3204082). Schubler discloses a support bag (a pressure cuff, 8) where the pressure (compressed air)(the support bag being an inflatable air bag having a cover) is supplied (by the air supply unit) firmly around the stock of the firearm (including underneath) and remains elastically deformable on all of it's sides (for adjusting the position of the firearm). A hose (15) as shown in figure 1, fluidly connected to the support bag (8) and the second end is fluidly connectable to an air supply unit. (read abstract).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germen patent Schubler in view of Wold (3012350). Schubler is discussed above. However, Schubler does not show the support bag beneath the front portion of a firearm and it's gun support, a relatively flat upper surface and relatively flat lower surface and the rear portion supported by a sand bag. Wold (3012350) shows a bench rest pedestal having a front support bag (66) beneath the front portion of a firearm (12), a relatively flat upper surface and relatively flat lower surface of the support bag and the rear portion of the gun supported by a sand bag (68). By increasing the air in the bag, the angle of the firearm would naturally increase or decrease the angle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gun rest configuration of Wold with the air bag support of Schubler in order to elastically absorb the recoil when a shot is fired. (see Schubler, abstract)

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schubler in view of Hill et al. Schubler is discussed above. However, Schubler does not disclose the cover being of permeable material. Hill et al. teaches a rifle rest with a sand-filled canvass bag (col1.line 28,8) which is a cover of permeable material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the covering of hill et al. with the air bag of Schubler in order to grip the stock and barrel. (Hill et al, lines 34-36)

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5. Claims 4,5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schubler in view of Wold (3012350) in further view of being known in the art. Schubler in view of Wold is discussed above. However, they do not specify the inflatable air bag being of permeable material such as rubber and a tie member. It is generally known in the art, that inflatable air bags are made of permeable material such as rubber where the tie member can be closed on a hose such as helium balloons. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the material of the known art with the air bag of Schubler in view of Wolf in order to keep the bag elastic and inflated. (see Schubler, abstract)

6. Claims 2, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schubler in view of Killian (5819461). Schubler is discussed above. However, Schubler does not disclose a valve unit positioned with in the hose, the valve unit allows for closing of airflow from the support bag and allows for releasing of airflow from the support bag. Killian teaches an apparatus for steadyng a device by a user having an inflatable air bag (113 and 114) where a valve unit (read col.5, 3<sup>rd</sup> para., line 37) positioned within the hose (see figure 2), the valve unit allows for closing of airflow (since it can release the air) from the support bag and allows for releasing of airflow from the support bag (120). Further both mechanical (116) and manual (repeatedly pushing on the pump lever line 54) operated structures are mentioned for providing pressurized air (column 6, line 54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pumping valve unit of

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Killian with the air bag of Schubler in order to mount a pointable device such as a gun and the height can be adjustably fixed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents Lingyak, Bell et al., Shaw, and are cited to show support devices for guns.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Buckley whose telephone number is 703-305-0041. The examiner can normally be reached on Tues-Thurs 10-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4180.



Ms. Buckley  
Examiner  
Art Unit 3641

January 13,2004